

REMARKS

The requirements for restriction being the only issue raised in the present Office Action, this paper is fully responsive to the same. The Applicants hereby reserve the right to file a divisional application for any non-elected subject matter in this application.

The Applicants would initially like to point out that there appears to be some confusion in terms of defining the species outlined in the present action (particularly with regard to Species II and Species III). The main distinction between the embodiments of Figure 3 and Figure 4 is the location of the light sources; in Figure 3, the light source is located at the tool loadport fixture 107 (see, e.g., Figure 1) whereas in Figure 4, the light source is located at the OHT vehicle 115. For the embodiment described by Figure 3, the detectors may be located at the OHT vehicle 115, as noted by the Examiner in defining Species I (see, e.g., claim 4). Alternatively, the detectors may be located at the tool loadport fixture 107 along with the light source (see, e.g., claim 5). Consequently, the OHT vehicle 115 in this instance would be configured with a reflective device so as to direct the light beams back to the detectors at the loadport fixture 107. However, neither "Species II" nor "Species III" as defined by the Examiner appears to accurately describe this alternative embodiment.

Similarly, for the configuration described by Figure 4, the detectors may be located at the tool loadport fixture 107 (e.g., see claim 9). Alternatively, the detectors may also be located at the OHT vehicle 115 along with the light source (see, e.g., claim 8). Consequently, the tool loadport fixture 107 in this instance would be configured with a reflective device so as to direct the light beams back to the detectors at the OHT vehicle 115.

Notwithstanding the above, MPEP section 811 provides that "[b]efore making a restriction requirement after the first action on the merits, the examiner will consider whether there will be a serious burden if restriction is not required." There is no indication by the Examiner in the present action that such a burden would exist in this instance. In this instance, the classification of the claims into embodiments and species

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appears to be based primarily on the locations of the light sources and detectors within the OIIT system. Since the claimed light sources and detectors are present in each of the claims, it is respectfully submitted that an examination of various dependent claims directed toward different positions & locations of light sources/detectors would not present an undue burden in terms of searching.

In light of the above, a reconsideration of the requirement for restriction is respectfully requested. However, in the event that this request is rejected by the Examiner, the Applicants then provisionally elect Species I, as indicated earlier, which includes claims 1-4, and 10-12.

No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this Response, please charge them to Deposit Account No. 09-0458 maintained by the applicants' assignee.

Respectfully submitted,
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